IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.1379 OF 2006

Smt Beena R.Singh .... Petitioner

versus

State of Maharashtra ... Respondents

None for Petitioner

Ms.A.S.Pai, A.P.P.for Respondents

CORAM : J.N.PATEL AND

SMT.ROSHAN DALVI, JJ

DATED : 13th September, 2006

P.C.

1. None for the petitioner.

2. The petition is filed by the proprietor of Madhuban Bar and Restaurant (Old Name M/s New Neelam Bar & Restaurant) seeking a relief that this

Court should direct the respondents, their officers and agents and not to prevent them from allowing the petitioner to have a orchestra where girls and boys are permitted to participate and dance in music as this is the sole source of earning by the petitioner and without this orchestra the restaurant is not having patrons and for interim reliefs.

3. Unfortunately, none appears for the petitioner. The learned A.P.P. pointed out to this Court that the licence for the purpose of orchestra has already expired in 2000 itself whereas the petition has been filed in 2006 probably when the police authorities raided the hotel in June, 2006. We find no merit in the petition. No such relief can be granted to the petitiioner as it would amount to giving licence to the petitioner to carry out illegal activity in their establishment by according such a protection.

4. Petition is dismissed with costs which is quantified at Rs.10,000/-. The petitioner to deposit the costs in this Court within a period of two weeks. On the costs being deposited, the same be credited to the State Legal Services Authority,

High Court, Mumbai. If the costs is not deposited within the stipulated period, the Collector, Mumbai would recover it as a fine by resorting to the procedure laid down under the Maharashtra Land Revenue Code. In addition to that, the licencing department of the Commissioner of Police, Mumbai would not renew the licence for running the establishment under the Bombay Police Act.

(Smt Roshan Dalvi,J) **(J.N.Patel, J)**